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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/692,559	10/19/2000	James A. Wiemer	26011-9176-00	5866

7590

01/31/2002

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EXAMINER

RESAN, STEVAN A

ART UNIT

PAPER NUMBER

1773

DATE MAILED: 01/31/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/692559

Applicant(s)

WIEMER

Examiner

RESAN

Group Art Unit

1773

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☐ Responsive to communication(s) filed on _____
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-16 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-16 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some* ☐ None of the:
 - ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2
- ☐ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

2. (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

13, 17-23, 25, 26, 28-39

3. Claims 1, 6, 7, 12 and ~~13~~ are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Holtz U.S. 3,093,919.

See col. 1, lines 70-71; col. 2 lines 18-22, 28; col. 3 lines 54-61 "affixing" and "silk screening" are process steps and given no weight in article claim 7.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-5, 7-12, 14-16^{24 and 27} are rejected under 35 U.S.C. 103(a) as being unpatentable over Holtz '919 as applied to claims 1, 13 above, and further in view of O'Carroll, or Mirman, Sano et al and Deetz.

Holtz discloses the invention as claimed in claims 1, 13. Holtz does not disclose applying the magnetically receptive material in stripes as in claims 3, 9, 16.

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However, O'Carroll teaches magnetically receptive material applied in strips on one surface to be magnetically attached and strips of magnetized material applied at right angle to the other surface.

Therefore it would have been obvious to one of ordinary skill in the art that the magnetized material and magnetically receptive material could be applied in a like manner to reduce costs. Mirman also teaches this concept at col. 1 lines 30-37.

It would also have been obvious to one of ordinary skill in the art that magnetic and magnetically receptive material would be interchangeable so long as the pairing was maintained (See also Mirman col. 3 lines 19-24).

While neither O'Carroll nor Mirman teach the use of magnetic material including barium ferrite as in claims 4, 10, 16, ²⁴ Sano teaches that barium ferrite compounded with plastic and other compounding ingredients may be used to make magnetically attachable signs. Therefore it would have been obvious to one of ordinary skill in the art that the magnetic strips of O'Carroll could be made of this material to reduce cost and allow for flexibility.

Holtz does not disclose details for silk screen inks that include graphite powder ^{as in CLAIMS 2, 8, 14, 27} mixed in a clear carrier.

However most polymers are "clear" and it is old in the art to include graphite in polymeric composition to reduce static electricity generated by movement of polymer film.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Holtz '756 is cited for teaching the use of a barium ferrite dispersion to coat an iron foil base, which is adhesively adhered to a wall.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stevan A. Resan whose telephone number is (703) 308-4287. The examiner can normally be reached on Tues. – Fri. from 7:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Thibodeau, can be reached on (703) 308-2367. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-5436.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Stevan A. Resan/om

January 25, 2002


STEVAN A. RESAN
PRIMARY EXAMINER